8582-CR/inst./990

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1990

Department of the Treasury
Internal Revenue Service

Instructions for Form 8582-CR

Passive Activity Credit Limitations

(Section references are to the Internal Revenue Code unless otherwise noted.)

Paperwork Reduction Act Notice

We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us this information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

Recordkeeping	3 hrs., 6 min.
Learning about the law or the form	4 hrs., 29 min.
Preparing the form	4 hrs., 26 min.
Copying, assembling, and sending the form to IRS	35 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form more simple, we would be happy to hear from you. You can write to both IRS and the Office of Management and Budget at the addresses listed in the instructions for the tax return with which this form is filed.

General Instructions

Purpose of Form

Form 8582-CR is used by noncorporate taxpayers to determine the amount of any passive activity credit for the current tax year (including any prior year unallowed credits) and the amount of credit allowed for the current year.

Passive activity credits that are not allowed in the current year are carried forward until they are allowed against the tax attributable to either net passive income or the special allowance, if applicable.

Different rules apply to your activities and the related credit, depending on the type of activity. There are two kinds of passive activities: trade or business activities in which you did not materially participate for the tax year, and rental activities regardless of your participation. See **Trade or Business Activities** on page 4 and **Rental Activities** on page 2.

Note: *Corporations subject to the passive activity rules must use* ***Form 8810,*** *Corporate Passive Activity Loss and Credit Limitations.*

Changes You Should Note

- The modified adjusted gross income limitation will not apply for purposes of computing the special allowance for the low-income housing credit for property placed in service after 1989. If you held an indirect interest in the property through a partnership, S corporation, or other pass-through entity, this special rule will not apply unless you also acquired your interest in the pass-through entity after 1989.

For more information, see the instructions for **Special Allowance for Credits From Rental Real Estate Activities,** on page 3 and the instructions for lines 2a through 2d and line 3, on page 11.

- The Revenue Reconciliation Act of 1990 added the disabled access credit to the general business credit. This credit is subject to the passive activity credit rules.

Who Must File

Form 8582-CR is filed by individuals, estates, and trusts with any of the following credits from passive activities:

- investment credit;
- jobs credit;
- credit for alcohol used as fuel;
- credit for increasing research activities;
- low-income housing credit;
- disabled access credit;
- orphan drug credit; and
- credit for fuel produced from a nonconventional source.

Credits from passive activities are any of the above credits from:

- A trade or business activity in which you did not materially participate. See **Trade or Business Activities** on page 4.
- A rental activity. See **Rental Activities** on page 2.

Overview of Form

The form consists of five parts.

Part I.—Computation of 1990 Passive Activity Credits.—Use Part I to combine your credits from passive activities to determine if you have a passive activity credit for 1990.

If your credits from all passive activities exceed the tax attributable to net passive income, you will have a passive activity credit for 1990. Generally, you have net passive income if line 3 of Form 8582 shows income. See the instructions for line 6 of Form 8582-CR on page 11 for exceptions.

Part II.—Computation of the Special Allowance for Rental Real Estate Activities With Active Participation.—Use Part II to figure the credit allowed if you have any credits from rental real estate activities in which you actively participated (other than rehabilitation investment credits and low-income housing credits). (See **Rental Activities** on page 2 for details.)

Part III.—Computation of the Special Allowance for Rehabilitation Investment Credits From Rental Real Estate Activities and Low-Income Housing Credits for Property Placed in Service Before 1990 (or From Pass-Through Interests Acquired Before 1990).—Use Part III to figure the credit allowed if you have any rehabilitation investment credits or low-income housing credits for property placed in service before 1990. Also use this part if your low-income housing credit is from a partnership, S corporation, or other pass-through entity in which you acquired your interest before 1990, regardless of the date the property was placed in service.

Part IV.—Computation of Special Allowance for Low-Income Housing Credits for Property Placed in Service After 1989.—Use Part IV to figure the credit allowed if you have any low-income housing credits for property placed in service after 1989. If you held an indirect interest in the property through a partnership, S corporation, or other pass-through entity, use this part only if your interest in the pass-through entity was also acquired after 1989.

Part V.—Computation of Passive Activity Credit Allowed.—Use Part V to figure the amount of the passive activity credit (as determined in Part I) that is allowed for 1990 for all passive activities.

Before reading the instructions that follow, see **"Example of How To Complete Form 8582-CR"** on page 6. The example goes through a 5-step analysis of how the form and worksheets should be completed for a partner in a limited partnership that has a low-income housing credit. This example may provide enough information to complete the form and worksheets without reading all of the instructions.

Identifying Your Activities

Generally, each undertaking you own is a separate activity. You can own an undertaking either directly or through a partnership, an S corporation, an estate, or a trust, but not through a C corporation.

T22.51:

An undertaking includes all the business and rental operations you own at the same location either directly or through the same partnership, estate, trust, or S corporation. Operations are conducted at the same location if they are conducted in the same physical structure or within close proximity of one another. Operations not actually conducted at a fixed location are treated as conducted at the location with which they are most closely associated under all the facts and circumstances. For example, if a business sends employees from a central office to perform services at customers' homes, the operations are treated as conducted at the central office. If you conduct all your business or rental operations at the same location directly or through one entity, you have only one undertaking and one activity.

Rental undertakings.—If you own an undertaking that conducts both rental and nonrental operations, you must treat the two types of operations as two separate undertakings unless: **(1)** the rental operations, if treated as a separate activity, would not be a rental activity (see **Rental Activities** below); or **(2)** one type of operation predominates over the other (that is, one type of operation produces more than 80 percent of the combined undertaking's gross income).

Combining nonrental undertakings into nonrental activities.—Once you identify your undertakings, treat each undertaking as a separate activity unless one of the following rules requires or permits you to combine undertakings into a larger activity.

Trade or business undertakings.—You generally must combine trade or business undertakings into a larger activity if the undertakings are similar and commonly controlled. For details see Temporary Regulations sections 1.469-4T(f) and (j). Trade or business undertakings include all nonrental undertakings except professional service undertakings (described in the next paragraph), and oil or gas wells treated as separate undertakings under Temporary Regulations section 1.469-4T(e). Trade or business activities that constitute an integrated business may have to be combined into a larger activity under Temporary Regulations section 1.469-4T(g).

Professional service undertakings.—Professional service undertakings principally provide services in the fields of health, law, engineering, architecture, accounting, actuarial science, the performing arts, or consulting. Generally, you must combine your interests in professional service undertakings into a single activity if the undertakings provide services in the same field or earn more than 20 percent of their gross income from serving the same customers, or if the undertakings are controlled by the same interests. For details see Temporary Regulations section 1.469-4T(h).

You can elect to treat combined nonrental undertakings as separate activities for purposes other than determining participation in activities. To make this election, you must attach to your return a statement that: **(1)** gives your name, address, and taxpayer identification number; **(2)** declares that the election is being made under Temporary Regulations section 1.469-4T(o); **(3)** identifies the undertaking you are treating as a separate activity; and **(4)** identifies the rest of the activity from which you are separating the undertaking.

If undertakings you acquired in 1990 would otherwise be combined into a larger activity, you must attach this statement to your 1990 return or you will not be able to treat the undertakings as separate activities for 1990 or any later year. For details, see Temporary Regulations section 1.469-4T(o).

If undertakings you owned in 1989 were combined into a larger activity on your 1989 tax return, you cannot divide those larger activities into separate activities in 1990 or any later year.

Rental real estate undertakings.—A rental real estate undertaking is a rental undertaking in which at least 85% of the unadjusted basis of the property made available for use by customers is real property. In general, each rental real estate undertaking is a separate activity. However, you may combine separate rental real estate undertakings into the same activity. Under certain circumstances, you may also divide a single rental real estate undertaking into separate undertakings. For details see Temporary Regulations section 1.469-4T(k)(2)(iii). You can then treat each separate undertaking as a separate activity or combine the separate undertakings with other undertakings to identify your rental real estate activities.

You generally must attach a statement to your return if you combine separate rental real estate undertakings or portions of undertakings into the same activity or divide a single rental real estate undertaking into separate undertakings. If you want to divide a single rental real estate undertaking you acquired in 1990 into separate undertakings, you must attach this statement to your 1990 return or you will not be able to treat the undertaking as separate undertakings for 1990 or any later year.

If you divided a single rental real estate undertaking you owned in 1989 into separate undertakings on your 1989 tax return, you must treat the undertakings as separate undertakings in 1990 and any later year.

Furthermore, if you combined rental real estate undertakings you owned in 1989 into a larger activity on your 1989 tax return, the larger activity cannot be divided into separate activities in 1990 or any later year.

Other rental undertakings.—You may not combine or divide your rental undertakings other than rental real estate undertakings. You must treat each rental undertaking that is not a rental real estate undertaking as a separate activity.

Publicly Traded Partnerships (PTPs).—You may not combine operations held through a PTP with any other operations you own, including operations you hold through another PTP. For details, see **Publicly Traded Partnerships (PTPs)** on page 16 and Temporary Regulations section 1.469-4T(n).

Activities That Are Not Passive Activities

The following are not passive activities:

1. Trade or business activities in which you materially participated for the tax year.

2. An interest in an oil or gas well drilled or operated pursuant to a working interest if at any time during the tax year you held the working interest directly or through an entity that did not limit your liability (such as a general partner interest in a partnership). This exception applies regardless of whether you materially participated in the activity for the tax year.

If, however, your liability was not unlimited for the entire year (for example, you converted your general partner interest to a limited partner interest during the year), some of your income and losses from the working interest may be treated as passive activity gross income and passive activity deductions. See Temporary Regulations section 1.469-1T(e)(4)(ii).

3. The rental of a dwelling unit you used as a residence if section 280A(c)(5) applies. This exception applies if you rented out a dwelling unit that you also used as a home during the year for a number of days which exceeds the greater of 14 days or 10 percent of the number of days during the year that the home was rented at a fair rental.

4. An activity of trading personal property for the account of owners of interests in the activity. See Temporary Regulations section 1.469-1T(e)(6).

Credits from activities that are not passive activities should not be entered on Form 8582-CR. But, they may be subject to other limitations.

Rental Activities

A rental activity is a passive activity even if you materially participated in the activity. However, if you meet any one of the six exceptions listed below, the rental of the property is not treated as a rental activity. See **How To Report Credits From Trade or Business Activities** on page 5, if you meet any of the exceptions.

An activity is a rental activity if tangible property (real or personal) is used by customers or held for use by customers, and the gross income (or expected gross income) from the activity represents amounts paid (or to be paid) mainly for the use of the property, regardless of whether the use is under a lease, a service contract, or some other arrangement that is not called a lease.

Exceptions

An activity is **not** a rental activity if:

1. The **average period of customer use** of the rental property is seven days or less.

Figure the **average period of customer use** for a class of property by dividing the total number of days in all rental periods

by the number of rentals during the tax year. If the activity involves renting more than one class of property, multiply the **average period of customer use** of each class by the ratio of the gross rental income from that class to the activity's total gross rental income. The activity's **average period of customer use** equals the sum of these class-by-class average periods weighted by gross income. See Temporary Regulations section 1.469-4T(e)(3)(iii).

2. The **average period of customer use** (see definition in 1 above) of the rental property is 30 days or less, and **significant personal services** were provided in connection with making the rental property available for customer use.

Significant personal services include only services performed by individuals. In determining whether personal services are significant, all of the relevant facts and circumstances are taken into consideration. Facts and circumstances include the frequency of the services provided, the type and amount of labor required to perform the services, and the value of the services relative to the amount charged for use of the property.

Significant personal services do not include excluded services (see Temporary Regulations section 1.469-1T(e)(3)(iv)(B)).

3. Extraordinary personal services were provided in connection with making the rental property available for customer use.

Services provided in connection with making rental property available for customer use are **extraordinary personal services** only if the services are performed by individuals, and the customers' use of the rental property is **incidental** to their receipt of the services.

4. The rental of the property is incidental to a nonrental activity.

The rental of property is **incidental** to an activity of holding property for investment if the main purpose of holding the property is to realize a gain from the appreciation of the property, and the gross rental income is less than 2 percent of the smaller of the **unadjusted basis** of the property or the fair market value of the property.

Unadjusted basis means the cost of the property without regard to depreciation deductions or any other adjustment described in section 1016 that reduces basis.

The rental of property is **incidental** to a trade or business activity if:

a. You own an interest in the trade or business activity at all times during the tax year;

b. The rental property was mainly used in the trade or business activity during the tax year or during at least two of the five preceding tax years; and

c. The gross rental income from the property is less than 2 percent of the smaller of the unadjusted basis of the property or the fair market value of the property.

Lodging provided for the employer's convenience to an employee or the employee's spouse or dependents is incidental to the activity or activities in which the employee performs services.

5. You customarily make the rental property available during defined business hours for nonexclusive use by various customers.

6. You provide property for use in a nonrental activity of a partnership, an S corporation, or joint venture in your capacity as an owner of an interest in such partnership, S corporation, or joint venture.

How To Report Credits From the Activities.—If you meet any of the six exceptions listed above, your rental of the property is not a rental activity. You then must determine whether your rental of the property is a trade or business activity and, if so, whether you materially participated in the activity for the tax year (see **Trade or Business Activities** and **Material Participation,** on page 4). If the activity is a trade or business activity in which you did not materially participate, enter the credits from the activity in Worksheet 4 on page 13.

If you meet any of the six exceptions listed above, and the activity is a trade or business activity in which you materially participated, report the credits from the activity on the form you normally use.

If you **did not** meet any of the six exceptions, the rental activity is a passive activity. Special rules apply if you conduct the rental activity through a PTP. See **Publicly Traded Partnerships (PTPs)** on page 16.

If the rental activity is not conducted through a PTP, the rental activity is entered in Worksheet 1, 2, 3, or 4 on pages 12 and 13. Worksheet 1 is for credits (other than rehabilitation investment credits and low-income housing credits) from rental real estate activities in which you actively participated. However, married individuals who file separate tax returns but did not live apart at all times during the tax year must use Worksheet 4 even if there was active participation.

Worksheet 2 is for rehabilitation investment credits from rental real estate activities and low-income housing credits for property placed in service before 1990. This worksheet is also used for low-income housing credits from a partnership, S corporation, or other pass-through entity if your interest in the pass-through entity was acquired before 1990, regardless of the date the property was placed in service.

Worksheet 3 is for low-income housing credits for property placed in service after 1989 (unless held through a pass-through entity in which you acquired your interest before 1990).

Worksheet 4 is for credits from trade or business activities in which you did not materially participate and rental real estate activities without active participation (but not rehabilitation investment credits from rental real estate activities and low-income housing credits).

See **Special Allowance for Credits From Rental Real Estate Activities** below.

Special Allowance for Credits From Rental Real Estate Activities

If you actively participated in a rental real estate activity, you may be able to claim credits from the activity to the extent of the tax attributable to a "special allowance" of up to $25,000 reduced by any passive losses allowed under this exception on Form 8582. The special allowance also applies to low-income housing credits and rehabilitation investment credits from a rental real estate activity, even if you did not actively participate in the activity. The credits allowed under the special allowance are in addition to the credits allowed to the extent of the tax attributable to net passive income.

Married individuals filing separate returns who did not live apart at all times during the year and trusts cannot use the special allowance. An estate can use the special allowance only for its tax years ending less than two years after the decedent's death.

Only individuals and qualifying estates can actively participate in a rental real estate activity. Limited partners cannot actively participate unless future regulations provide an exception. In addition, you are not considered to actively participate in a rental real estate activity if at any time during the tax year your interest (including your spouse's interest) in the activity was less than 10 percent (by value) of all interests in the activity.

Active participation is a less stringent requirement than material participation (see **Material Participation,** on page 4). You may be treated as actively participating if you participated, for example, in making management decisions or arranging for others to provide services (such as repairs) in a significant and bona fide sense. Management decisions that can count as active participation include approving new tenants, deciding on rental terms, approving capital or repair expenditures, and other similar decisions.

An estate is treated as actively participating for tax years ending less than two years after the date of the decedent's death if the decedent would have satisfied the active participation requirements for the activity for the tax year in which the decedent died. Such an estate is a "qualifying estate."

The maximum special allowance that single individuals and married individuals filing a joint return for the tax year can qualify for is $25,000. The maximum is $12,500 in the case of married individuals who file separate returns for the tax year but only if they lived apart at all times during the tax year. The maximum special allowance for which an estate can qualify is $25,000 reduced by the special allowance for which the surviving spouse qualified. Any phase-in of the surviving spouse's allowance is disregarded in computing the estate's maximum allowance.

If your modified adjusted gross income is $100,000 or less ($50,000 or less in

the case of married persons filing separately), your credits are figured based on the amount of the maximum special allowance referred to in the preceding paragraph. If your modified adjusted gross income is more than $100,000 ($50,000 in the case of married persons filing separately), the special allowance is 50 percent of the difference between $150,000 ($75,000 in the case of married persons filing separately) and your modified adjusted gross income. When modified adjusted gross income is $150,000 or more ($75,000 or more in the case of married persons filing separately), there is no special allowance.

However, in the case of low-income housing credits for property placed in service before 1990, and rehabilitation investment credits, the limits on modified adjusted gross income are increased. If your modified adjusted gross income is more than $200,000 ($100,000 in the case of married persons filing separately), the special allowance is 50 percent of the difference between $250,000 ($125,000 in the case of married persons filing separately), and your modified adjusted gross income. When modified adjusted gross income is $250,000 or more ($125,000 or more in the case of married persons filing separately), there is no special allowance.

See the instructions for line 10 (on page 11) for the definition of "modified adjusted gross income."

The modified adjusted gross income limitation does not apply when figuring the special allowance for low-income housing credits for property placed in service after 1989 (other than from a pass-through entity in which you acquired your interest before 1990).

Complete Part I first to determine your credits from all rental real estate activities and your passive activity credit. You have a passive activity credit if line 7 shows an amount other than zero. Complete Part II if you have credits (other than low-income housing and rehabilitation investment credits) from rental real estate activities in which you actively participated. Complete Part III if you have low-income housing credits from property placed in service before 1990 (or any low-income housing credits from a pass-through entity in which you acquired your interest before 1990), or rehabilitation investment credits from rental real estate activities. Complete Part IV if you have low-income housing credits for property placed in service after 1989 (other than from a pass-through entity in which you acquired your interest before 1990).

Caution: *You cannot claim the low-income housing credit on any qualified low-income housing project if you or any other individual use the transitional rule for the passive loss rules under section 502 of the Tax Reform Act of 1986.*

Trade or Business Activities

An activity is a trade or business activity if the activity:

1. Is not a rental activity; and

2. Involves the conduct of business and rental operations that are not incidental to an activity of holding property for investment. "Business and rental operations" are endeavors you engage in for profit or the production of income that satisfy one or more of the following conditions:

   a. They involve the conduct of a trade or business (i.e., deductions would be allowable under section 162 if other limitations, such as the passive loss rules, did not apply) or are conducted in anticipation of the endeavors becoming a trade or business;

   b. They involve making tangible property available for use by customers; or

   c. Research or experimental expenditures in the activity are deductible under section 174 (or would be if you chose to deduct rather than to capitalize them).

Material Participation

Participation for purposes of the material participation tests listed below, generally includes any work you did in connection with an activity if you owned the activity at the time you did the work. The capacity in which you did the work does not matter. However, work is not treated as participation if the work is not work that an owner would customarily do in the same type of activity and one of your main purposes for doing the work was to avoid the disallowance of losses or credits from the activity under the passive activity rules.

Work you did as an investor in an activity is not treated as participation unless you were directly involved in the day-to-day operations of the activity. Work done as an investor includes:

a. Studying and reviewing financial statements or reports on operations of the activity.

b. Preparing or compiling summaries or analyses of the finances or operations of the activity for your own use.

c. Monitoring the finances or operations of the activity in a nonmanagerial capacity.

Participation of spouse.—Participation by your spouse during the tax year in an activity you own may be counted as your participation in the activity. The participation by your spouse may be included as your participation even if your spouse did not own an interest in the activity and whether or not you and your spouse file a joint return for the tax year.

Individuals.—You materially participated for the tax year in a trade or business activity if you satisfy one or more of the following tests:

1. You participated in the activity for more than 500 hours.

2. Your participation in the activity for the tax year was substantially all of the participation in the activity of all individuals (including individuals who did not own any interest in the activity) for the year.

3. You participated in the activity for more than 100 hours during the tax year, and you participated at least as much as any other individual (including individuals who did not own any interest in the activity) for the year.

4. The activity is a significant participation activity for the tax year, and you participated in all significant participation activities during the year for more than 500 hours. A significant participation activity is any trade or business activity in which you participated for more than 100 hours during the year and in which you did not materially participate under any of the other material participation tests.

5. You materially participated in the activity for any 5 (whether or not consecutive) of the 10 preceding tax years. When determining whether you materially participated in tax years beginning before 1987 (other than a tax year of a partnership, an S corporation, an estate, or a trust ending after 1986), you materially participated only if you participated for more than 500 hours during the tax year.

6. The activity is a personal service activity in which you materially participated for any 3 (whether or not consecutive) preceding tax years. When determining whether you materially participated for tax years beginning before 1987 (other than a tax year of a partnership, an S corporation, an estate, or trust ending after 1986), you materially participated only if you participated for more than 500 hours during the tax year.

   An activity is a personal service activity if it involves the performance of personal services in the fields of health, law, engineering, architecture, accounting, actuarial science, performing arts, consulting, or any other trade or business in which capital is not a material income-producing factor.

7. Based on all of the facts and circumstances, you participated in the activity on a regular, continuous, and substantial basis during the tax year.

   You did not materially participate in the activity under this seventh test, however, if you participated in the activity for 100 hours or less during the tax year. Your participation in managing the activity does not count in determining whether you materially participated under this test if:

   a. Any person (except you) received compensation for performing services in the management of the activity; or

   b. Any individual spent more hours during the tax year than you spent performing services in the management of the activity (regardless of whether the individual was compensated for the management services).

Proof of participation.—You may prove your participation in an activity by any reasonable means. You do not have to maintain contemporaneous daily time reports, logs, or similar documents if you can establish your participation by other reasonable means. Reasonable means for this purpose may include, but are not limited to, the identification of services performed over a period of time and the approximate number of hours spent performing the services during that period, based on appointment books, calendars, or narrative summaries.

Limited partners.—If you owned your interest in an activity as a limited partner, you generally **did not** materially participate in the activity. You **did** materially participate in the activity, however, if you materially participated in the activity under test 1, 5, or 6 on page 4 for the tax year.

You are not treated as a limited partner for purposes of the material participation tests, however, if you were a general partner in the partnership at all times during the partnership's tax year ending with or within your tax year (or, if shorter, during the portion of the partnership's tax year in which you directly or indirectly owned your limited partner interest).

Certain retired or disabled farmers and surviving spouses of farmers.—Certain retired or disabled farmers and surviving spouses of farmers are treated as materially participating in a farming activity if the real property used in the activity meets the estate tax rules for special valuation of farm property passed from a qualifying decedent. See Temporary Regulations section 1.469-5T(h)(2).

Estates and trusts.—The passive loss limitations apply in computing the distributable net income and taxable income of an estate or trust. See Temporary Regulations section 1.469-1T(b)(2) and (3).

How To Report Credits From Trade or Business Activities

Trade or business activities with material participation.—If you materially participated in a trade or business activity, the activity is not a passive activity. Report the credits from the activity on the form you normally use.

Trade or business activities without material participation.—If you did not materially participate in a trade or business activity, the activity is a passive activity. In general, you must use Worksheet 4 on page 13 to determine the amount to enter on Form 8582-CR for each trade or business activity in which you did not materially participate. However, if you held the activity through a publicly traded partnership, special rules apply. See **Publicly Traded Partnerships (PTPs)** on page 16 for how to report credits from these activities.

Dispositions

Unallowed passive activity credits, unlike unallowed passive activity losses, are not allowable when you dispose of your interest in an activity. However, you may elect to increase the basis of the credit property by the amount of the original basis reduction of the property to the extent that the credit has not been allowed by reason of the passive activity rules. No basis adjustment may be elected on a partial disposition of your interest in a passive activity.

Example of How To Complete Form 8582-CR

In 1990, Mr. Jones purchased an interest as a limited partner in Partnership A. Mr. Jones is married and files a joint return. During 1990, the partnership placed in service a residential rental building that qualified for the low-income housing credit.

Mr. Jones received a Schedule K-1 from the partnership identifying the low-income housing credit as from a passive activity. The low-income housing credit is shown on line 13(b)(3) of Schedule K-1 because the property was placed in service after 1989 (post-1989 low-income housing credit).

Schedule K-1:

Credits	13a	Credit for income tax withheld	13a		(See Partner's Instructions for Schedule K-1 (Form 1065))
	b	Low-income housing credit:			
		(1) From section 42(j)(5) partnerships for property placed in service before 1990	b(1)		Form 8586, line 5
		(2) Other than on line 13b(1) for property placed in service before 1990	b(2)		
		(3) From section 42(j)(5) partnerships for property placed in service after 1989	b(3)	12,000	
		(4) Other than on line 13b(3) for property placed in service after 1989	b(4)		
	c	Qualified rehabilitation expenditures related to rental real estate activities (see instructions)	13c		(See Partner's Instructions for Schedule K-1 (Form 1065))
	d	Credits (other than credits shown on lines 13b and 13c) related to rental real estate activities (see instructions)	13d		
	e	Credits related to other rental activities (see instructions)	13e		
	14	Other credits (see instructions)	14		

For Paperwork Reduction Act Notice, see Form 1065 Instructions. Schedule K-1 (Form 1065) 1990

Step 1.—Mr. Jones will need the following forms to report the low-income housing credit:

Form 8586, Low-Income Housing Credit.

Form 3800, General Business Credit.

Form 8582-CR, Passive Activity Credit Limitations.

Mr. Jones follows the instructions for line 13(b) of Schedule K-1 and enters the $12,000 low-income housing credit on line 5 of Form 8586, and completes line 6.

Form **8586**
Department of the Treasury
Internal Revenue Service

Low-Income Housing Credit

▶ Attach to your return.

OMB No. 1545-0984
1990
Attachment Sequence No. **43**

Name(s) as shown on return | Taxpayer identification number

Part I Current Year Low-Income Housing Credit (See instructions.)

1	Number of Forms 8609 attached ▶		
2	Eligible basis of building(s) (total from attached Schedule(s) A (Form 8609), line 1)	2	
3a	Qualified basis of low-income building(s) (total from attached Schedule(s) A (Form 8609), line 3)	3a	
b	Has there been a decrease in the qualified basis of any building(s) since the close of the preceding tax year? ☐ Yes ☐ No If "Yes," enter the building identification number (BIN) of the building(s) that had a decreased basis. If more space is needed, attach a schedule to list the BINs. (I) _____ (II) _____ (III) _____ (IV) _____		
4	Credit for the year (total from attached Schedule(s) A (Form 8609), line 16	4	
5	Housing credits from flow-through entities: If you are a— a Shareholder, b Partner, c Beneficiary, d Patron — Then enter total of current year housing credit(s) from— Schedule K-1 (Form 1120S), lines 12b(1) through (4); Schedule K-1 (Form 1065), lines 13b(1) through (4); Schedule K-1 (Form 1041), line 12; Written statement from cooperative	5	12,000
6	Current year credit—Add line 4 and line 5	6	12,000

Step 2.—The instructions for line 6, Form 8586 require Form 3800 if any part of the credit on line 6 is from a passive activity. Mr. Jones enters the credit from line 6 of Form 8586 on line 5 of Form 3800 and completes lines 7 through 9.

Form **3800**
Department of the Treasury
Internal Revenue Service

General Business Credit

▶ Attach to your tax return.
▶ See separate instructions.

OMB No. 1545-0895
1990
Attachment Sequence No. 22

Name(s) as shown on return | Identifying number

Part I Tentative Credit

1	Current year investment credit (Form 3468, Part I)	1		
2	Current year jobs credit (Form 5884, Part I)	2		
3	Current year credit for alcohol used as fuel (Form 6478)	3		
4	Current year credit for increasing research activities (Form 6765, Part III)	4		
5	Current year low-income housing credit (Form 8586, Part I)	5	12,000	
6	Current year disabled access credit (Form 8826, Part I)	6		
7	**Current year general business credit**—Add lines 1 through 6	7	12,000	
8	Passive activity credits included on lines 1 through 6 (see Instructions)	8	12,000	
9	Subtract line 8 from line 7	9	-0-	
10	Passive activity credits allowed in 1990 (see Instructions)	10		
11	Carryforward of general business credit, WIN credit or ESOP credit to 1990 (see Instructions)	11		
12	Carryback of general business credit to 1990	12		
13	Tentative general business credit—Add lines 9 through 12	13		

Step 3.—Line 10 of Form 3800 asks for the passive activity credit allowed in 1990. This amount is figured on Form 8582-CR and the worksheets.

Worksheet 3 of Form 8582-CR is used for post-1989 low-income housing credits.

Worksheet 3 for Line 3 (Keep for your records.)

Name of Activity	From Form	Activities acquired after 1989 (a) Credit line 3
Partnership A	3800	12,000
Total. Enter on line 3 of Form 8582-CR ▶		12,000

The instructions for Worksheet 3 require the entry of the total credits from column (a) of that worksheet on line 3 of Form 8582-CR. Mr. Jones enters the total credits on line 3 and completes lines 5 through 7 of the form. Mr. Jones can skip Parts II and III and go to Part IV because the only credit he has is from a post-1989 low-income housing rental real estate activity. Mr. Jones must also complete the worksheet for line 35 in the instructions to get the amount to enter on line 35 of the form.

Form **8582-CR**

Department of the Treasury
Internal Revenue Service

Passive Activity Credit Limitations

▶ See separate instructions.

▶ Attach to Form 1040 or 1041.

OMB No. 1545-1034

1990

Attachment Sequence No. **88a**

Name(s) shown on return | Identifying number

Part I Computation of 1990 Passive Activity Credits

Caution: *See Worksheets 1 through 4 in the instructions. If you have credits from a publicly traded partnership, see the instructions for Credits From Publicly Traded Partnerships.*

Credits From Rental Real Estate Activities With Active Participation (Other Than Rehabilitation Investment Credits and Low-Income Housing Credits) (See the instructions for lines 1a through 1d on page 11.)

1a	Credits from Worksheet 1, column (a)	1a			
b	Credits from Worksheet 1, column (b)	1b			
c	Prior year unallowed credits from Worksheet 1, column (c)	1c			
d	Add lines 1a, 1b, and 1c			1d	

Rehabilitation Investment Credits From Rental Real Estate Activities and Low-Income Housing Credits (See the instructions for lines 2a through 2d and line 3 on page 11)

2a	Credits from Worksheet 2, column (a)	2a			
b	Credits from Worksheet 2, column (b)	2b			
c	Prior year unallowed credits from Worksheet 2, column (c)	2c			
d	Add lines 2a, 2b, and 2c			2d	
3	Credits from Worksheet 3, column (a)			3	12,000

All Other Passive Activity Credits (See the instructions for lines 4a through 4d on page 11.)

4a	Credits from Worksheet 4, column (a)	4a			
b	Credits from Worksheet 4, column (b)	4b			
c	Prior year unallowed credits from Worksheet 4, column (c)	4c			
d	Add lines 4a, 4b, and 4c			4d	
5	Add lines 1d, 2d, 3, and 4d			5	12,000
6	Enter the tax attributable to net passive income (see instructions)			6	-0-
7	Subtract line 6 from line 5. If line 6 is more than or equal to line 5, enter -0- and see the instructions			7	12,000

Part IV Computation of the Special Allowance for Low-Income Housing Credits for Property Placed in Service After 1989

Note: *Complete Part IV if you have an amount on line 3. Otherwise, go to Part V.*

31	Enter the amount from line 19 if you completed Part III. Otherwise, subtract line 16 from line 7	31	12,000
32	Enter the amount from line 30	32	-0-
33	Subtract line 32 from line 31. If -0-, enter -0- here and on line 36	33	12,000
34	Enter the smaller of line 3 or line 33	34	12,000
35	Tax attributable to the remaining special allowance. See instructions	35	7,000
36	Enter the smaller of line 34 or line 35	36	7,000

Line 35 computation:

Part IV

Note: *Married persons filing separate returns who lived together at any time during the year are not eligible to complete Part IV.*

Line 35.—Figure the tax attributable to the remaining special allowance as follows:

Note: *When using taxable income in the following computation, it is not necessary to recompute items that are based on a percentage of adjusted gross income.*

A.	Taxable income	305,000
B.	Enter amount from line 15 of Form 8582, if any	-0-
C.	Add lines A and B	305,000
D.	Tax on line C. Use tax table or tax rate schedules, whichever applies	86,548
E.	Enter $25,000 ($12,500 if married filing separate return and you and your spouse lived apart at all times during the year)	25,000
F.	Enter amount from line 9 of Form 8582, if any	-0-
G.	Subtract line F from line E	25,000
H.	Subtract line G from line C	280,000
I.	Tax on line H. Use tax table or tax rate schedules, whichever applies	79,548
J.	Subtract line I from line D	7,000
K.	Add lines 16 and 30 of Form 8582-CR and enter the result	-0-
L.	Subtract line K from line J. Tax attributable to the remaining special allowance. Enter the result on line 35 of Form 8582-CR	7,000

Mr. Jones completes Part V of Form 8582-CR:

Part V Computation of Passive Activity Credit Allowed

37	Add lines 16, 30, and 36. If this line shows the same amount as line 7, go to line 47		37	7,000
38	Add lines 1a, 2a, and 4a. If -0-, go to line 47		38	-0-
39	Enter the tax attributable to passive income from activities acquired before 10-23-86. (See instructions.)		39	
40	Subtract line 39 from line 38. If line 39 is equal to or greater than line 38, enter -0-		40	
41a	If line 1a is -0- or blank, enter -0-. Otherwise, see instructions	41a		
b	If line 2a is -0- or blank, enter -0-. Otherwise, see instructions	41b		
42	Add lines 41a and 41b		42	
43	Subtract line 42 from line 40. If line 42 is equal to or greater than line 40, enter -0-		43	
44	Subtract line 37 from line 7		44	
45	Enter the smaller of line 43 or line 44		45	
46	Multiply line 45 by 10% (.1) and enter the result		46	
47	**Passive Activity Credit Allowed.** Add lines 6, 37, and 46. See the instructions for **Credits From Publicly Traded Partnerships** if you have any credits from a publicly traded partnership		47	7,000

Note: *Use Worksheets 5 through 9, whichever apply, to allocate the allowed and unallowed credits if you have credits from more than one passive activity. Also use the worksheets if you must allocate the credits because they are reported on different forms.*

Step 4.—After completing Form 8582-CR, Mr. Jones completes Worksheets 7, 8, and 9 to figure the allowed and unallowed credit.

Worksheet 7 for Credit on Line 3 (Keep for your records.)

Name of Activity	Form To Be Reported on	(a) Credits (See instructions.)	(b) Ratios (See instructions.)	(c) Special Allowance (See instructions.)	(d) Subtract column (c) from column (a)
Partnership A	3800	12,000	1.00	7,000	5,000
Totals ▶		12,000	1.00	7,000	5,000

Instructions for Worksheet 8

Complete Worksheet 8 if you have amounts in column (d) of Worksheet 5, 6, or 7 or amounts in Worksheet 4.

Column (a).—Enter the amounts, if any, from column (d) of Worksheets 4, 5, 6, and 7.

Column (b).—Divide each of the credits in column (a) by the total of all of the credits in column (a). The total of all the ratios should equal 1.00.

Column (c).—Complete the following computation:

A. Enter line 5 of Form 8582-CR	12,000
B. Enter line 47 of Form 8582-CR	7,000
C. Subtract line B from line A	5,000

Multiply line C by the ratios in column (b) and enter the results in column (c). Complete Worksheet 9 to determine the credits allowed for 1990.

Worksheet 8 —Allocation of Unallowed Credits (Keep for your records.)

Name of Activity	Form To Be Reported on	(a) Credits (See instructions.)	(b) Ratios (See instructions.)	(c) Unallowed Credits (See instructions.)
Partnership A	3800	5,000	1.00	5,000
Totals ▶		5,000	1.00	5,000

Instructions for Worksheet 9

Column (a).—Enter all of the activities shown in Worksheet 8. The credits entered in column (a) of this worksheet should be the credits shown in column (d) of Worksheets 1, 2, and 4 and column (a) of Worksheet 3 for the activities listed in Worksheet 8.

Column (b).—Enter the amounts from column (c) of Worksheet 8 in this column. These are your **unallowed credits for 1990.**

Column (c).—Subtract column (b) from column (a). These are the **credits allowed for 1990.** The amounts in this column should be reported on the forms you normally use to report the credits.

Worksheet 9—Allowed Credits (Keep for your records.)

Name of Activity	Form To Be Reported on	(a) Credits (See instructions.)	(b) Unallowed Credits (See instructions.)	(c) Allowed Credits (See instructions.)
Partnership A	3800	12,000	5,000	7,000
Totals ▶		12,000	5,000	7,000

Step 5.—Mr. Jones enters the allowed passive activity credit of $7,000 from Worksheet 9 on line 10 of Form 3800 and completes Part II of that form according to the instructions for Form 3800. The unallowed credit of $5,000 shown in column (b) of Worksheet 9 is carried forward and used to figure the passive activity credit allowed for 1991.

Form **3800**

Department of the Treasury
Internal Revenue Service

General Business Credit

▶ **Attach to your tax return.**
▶ **See separate Instructions.**

OMB No. 1545-0895

1990

Attachment Sequence No. **22**

Name(s) as shown on return | Identifying number

Part I Tentative Credit

1	Current year investment credit (Form 3468, Part I)	1		
2	Current year jobs credit (Form 5884, Part I)	2		
3	Current year credit for alcohol used as fuel (Form 6478)	3		
4	Current year credit for increasing research activities (Form 6765, Part III)	4		
5	Current year low-income housing credit (Form 8586, Part I)	5	12,000	
6	Current year disabled access credit (Form 8826, Part I)	6		
7	**Current year general business credit**—Add lines 1 through 6	7	12,000	
8	Passive activity credits included on lines 1 through 6 (see Instructions)	8	12,000	
9	Subtract line 8 from line 7	9	-0-	
10	Passive activity credits allowed in 1990 (see Instructions)	10	7,000	
11	Carryforward of general business credit, WIN credit or ESOP credit to 1990 (see Instructions)	11	-0-	
12	Carryback of general business credit to 1990	12	-0-	
13	Tentative general business credit—Add lines 9 through 12	13	7,000	

Specific Instructions

Part I

Current Year Credits

Convert any current year qualified expenditures into credits before beginning Worksheet 1, 2, 3, or 4.

Form 3800, General Business Credit.—Enter the credits from line 8 of Form 3800 in Worksheet 1, 2, 3, or 4. If the credits are from more than one activity or more than one type of credit, separate the credits by activity or type before making entries in the worksheets. For example, if you have a low-income housing credit from a pre-enactment activity and a research credit from a post-enactment activity, enter the low-income housing credit in column (a) of Worksheet 2 and make a separate entry for the research credit in column (b) of Worksheet 4. Any prior year unallowed credits would be entered in column (c) of the appropriate worksheet. Make a separate line entry for a prior year unallowed credit if it is from a different activity or if it is a different type of credit.

Form 6765, Credit for Increasing Research Activities (or for claiming the orphan drug credit).—Complete Part I if you have an orphan drug credit. Enter the passive credit from line 4 in either column (a) or (b) of Worksheet 4, whichever applies.

Credit for Fuel Produced from a Nonconventional Source.—Figure your credit from passive activities for fuel produced from a nonconventional source and enter the credit in either column (a) or (b) of Worksheet 4, whichever applies.

See section 29 of the Code for more information on the credit for fuel produced from a nonconventional source.

Prior Year Unallowed Credits

In computing this year's passive activity credit, you must take into account any credits from passive activities disallowed for prior years and carried forward to this year. Enter the prior year unallowed credits from Worksheet 7 of your 1989 Form 8582-CR instructions in column (c) of Worksheet 1, 2, or 4, whichever apply.

Phase-In Rule

For tax years 1987 through 1990, the passive activity credit limitations are phased in by allowing a declining percentage of the credits from pre-enactment interests in passive activities (net of any credits allowed under the special allowance for rental real estate activities). The percentage for tax years beginning in 1990 is 10 percent.

A pre-enactment interest is a qualified interest in a pre-enactment activity. Your interest in an undertaking is treated as a qualified interest in an activity if for 1990 the undertaking continues business and rental operations of an undertaking that you held on October 22, 1986, and have held at all times since that date, or that you acquired after October 22, 1986, under one or more written binding contracts that you were a party to on October 22, 1986, and have held at all times since you acquired the interest.

See **Identifying Your Activities** on page 1 for rules for identifying activities.

An activity is a pre-enactment activity if any of the business and rental operations that are part of the activity continue business and rental operations that any person was conducting on October 22, 1986, or at least 50 percent (by value) of the property used in the activity during the tax year was either in existence or under construction on August 16, 1986, or acquired or constructed by any person under a written binding contract in effect on August 16, 1986.

In Worksheets 1, 2, and 4, report credits from pre-enactment interests separately from other interests in activities. See Temporary Regulations section 1.469-11T(c) for more information on pre-enactment interests and the phase-in rule.

Note: *The worksheets and the instructions refer to "activities acquired before 10-23-86" and "activities acquired after 10-22-86." An "activity acquired before 10-23-86" is a pre-enactment interest in an activity, and an "activity acquired after 10-22-86" is an interest in an activity other than a pre-enactment interest.*

Computation of 1990 Passive Activity Credits

Lines 1a through 1d.—Individuals and qualifying estates that actively participated in rental real estate activities (other than rental real estate activities with rehabilitation investment credits or low-income housing credits) should include the credits from these activities on lines 1a through 1d. Use Worksheet 1 to figure the amounts to enter on lines 1a, 1b, and 1c.

See **Special Allowance for Credits from Rental Real Estate Activities,** on page 3.

Caution: *Include the credits in Worksheet 4 and on lines 4a, 4b, and 4c, but not on lines 1a, 1b, and 1c, if you were married filing a separate return and lived with your spouse at any time during the year, even if you actively participated.*

Caution: *You may take credits that arose in a prior tax year (other than low-income housing and rehabilitation investment credits) under the special allowance only if you actively participated in the rental real estate activity for both that prior year and this year. If you did not actively participate for both years, include the credits in Worksheet 4 and on lines 4a, 4b, and 4c, but not in Worksheet 1 or on lines 1a, 1b, and 1c.*

Lines 2a through 2d and Line 3.—Individuals, including limited partners, and qualifying estates who had rehabilitation investment credits from rental real estate activities or low-income housing credits for property placed in service before 1990 should include the credits from those activities on lines 2a, 2b, and 2c.

However, if you have low-income housing credits for property placed in service after 1989, include those credits on line 3 instead of lines 2a through 2c. If you held an indirect interest in the property through a partnership, S corporation, or other pass-through entity, use line 3 only if you also acquired your interest in the pass-through entity after 1989.

Caution: *Include the credits in Worksheet 4 and on lines 4a, 4b, and 4c, but not on lines 2a, 2b, 2c, and 3, if you were married filing a separate return and lived with your spouse at any time during the year.*

Lines 4a through 4d.—Individuals should include on lines 4a through 4d credits from passive activities that were not entered on lines 1a through 1d, lines 2a through 2d, or line 3. Trusts should include credits from **ALL** passive activities on lines 4a through 4d.

Line 6.—If line 3 of **Form 8582,** Passive Activity Loss Limitations, shows net income, or if you did not complete Form 8582 because you had net passive income, you will have to compute the tax attributable to the net passive income. If you have an overall loss on an entire disposition of your interest in a passive activity, be sure to reduce net passive income, if any, on line 3 of Form 8582 to the extent of the loss (but not below zero) and use only the remaining net passive income in the computation below. If you had a net passive activity loss, enter -0- on line 6 and go on to line 7.

Compute the tax attributable to net passive income as follows:

Note: *When using taxable income in the following computation, it is not necessary to recompute items that are based on a percentage of adjusted gross income.*

A. Taxable income including net passive income . _____

B. Tax on line A. Use tax table or tax rate schedules, whichever applies . . . . _____

C. Taxable income without net passive income . _____

D. Tax on line C. Use tax table or tax rate schedules, whichever applies . . . . _____

E. Subtract line D from line B and enter the result on line 6 of Form 8582-CR . . . _____

Line 7.—If line 7 is zero because the tax attributable to net passive income on line 6 is greater than your credits from passive activities on line 5, all of your credits from passive activities are allowed. In this case, enter the amount from line 5 on line 47 and report the credits on the form you normally use. Do not complete Worksheets 5 through 9.

Part II

Line 9.—Married persons filing separate returns who lived apart at all times during the year should enter $75,000 on line 9 instead of $150,000. Married persons filing separate returns who lived together at any time during the year are not eligible to complete Part II.

Line 10.—Modified adjusted gross income is your adjusted gross income figured without taking into account any passive activity loss, any taxable social security or equivalent railroad retirement benefits, any deductible contributions to

an IRA or certain other qualified retirement plans under section 219, the deduction allowed under section 164(f) for one-half of self-employment taxes, or the exclusion from income of interest from Series EE U.S. Savings Bonds used to pay higher education expenses.

An overall loss from an entire disposition of an interest in a passive activity is taken into account when figuring modified adjusted gross income if you did not have any net income after combining net income and losses from all other passive activities (line 3 of Form 8582 is a loss). If you have net income when you combine all of the net losses and net income from all other passive activities, the overall loss from the activity disposed of is passive to the extent of the net income and nonpassive to the extent that it exceeds the net income. Take into account the nonpassive portion of the loss when figuring modified adjusted gross income.

Include any overall net income from passive activities from publicly traded partnerships, any net income from significant participation passive activities, and any other net passive income treated as nonpassive income under Temporary Regulations section 1.469-2T.

Line 12.—Do not enter more than $12,500 on line 12 if you are married filing a separate return and you and your spouse lived apart at all times during the year. Married persons filing separate returns who lived together at any time during the year are not eligible to complete Part II.

Line 15.—Figure the tax attributable to the amount on line 14 as follows:

Note: *When using taxable income in the following computation, it is not necessary to recompute items that are based on a percentage of adjusted gross income.*

A. Taxable income . . . _____
B. Enter amount from line 18 of Form 8582 . . . _____
C. Add lines A and B . . _____
D. Tax on line C. Use tax table or tax rate schedules, whichever applies . . . . _____
E. Enter amount from line C above . . . . . _____
F. Enter amount from line 14 of Form 8582-CR . . _____
G. Subtract line F from line E _____
H. Tax on line G. Use tax table or tax rate schedules, whichever applies . . . . _____
I. Subtract line H from line D and enter the result on line 15 of Form 8582-CR . . . _____

Lines 1a, 1b, and 1c.—Use Worksheet 1 to figure the amounts to enter on lines 1a, 1b, and 1c. Line 1a is used for rental real estate activities with active participation acquired before 10-23-86; line 1b is used for those activities acquired after 10-22-86; and line 1c is used for prior year unallowed credits from rental real estate activities with active participation in both the prior year that the credit arose and the current tax year. See instructions for **Special Allowance for Credits From Rental Real Estate Activities** on page 3 for a definition of active participation.

After you complete the worksheet below, enter the totals of columns (a), (b), and (c) on the corresponding lines of Form 8582-CR and then complete line 1d.

Note: *Rental real estate activities that have rehabilitation investment credits or low-income housing credits should be entered in Worksheet 2 or 3, whichever applies, even if you actively participated in the activity.*

Worksheet 1 for Lines 1a, 1b, and 1c (Keep for your records.)

Name of Activity	From Form	Activities acquired before 10-23-86	Activities acquired after 10-22-86	Prior Year Unallowed Credit	Total Credits
		(a) Credit line 1a	(b) Credit line 1b	(c) Credit line 1c	(d) Add cols. (a) and (c) or cols. (b) and (c)
Totals. Enter on lines 1a, 1b, and 1c of Form 8582-CR ▶					

Lines 2a, 2b, and 2c.—Use Worksheet 2 to figure the amounts to enter on lines 2a, 2b, and 2c. Line 2a is used for rehabilitation investment credits and low-income housing credits from rental real estate activities acquired before 10-23-86; line 2b is used for those activities acquired after 10-22-86; and line 2c is used for prior year unallowed credits from those activities. However, use Worksheet 3 instead of Worksheet 2 if you have any low-income housing credits for property placed in service after 1989. If you held an indirect interest in the property through a partnership, S corporation, or other pass-through entity, use Worksheet 3 only if you also acquired your interest in the pass-through entity after 1989. Use this worksheet if you do not meet both requirements.

After you complete the worksheet below, enter the totals of columns (a), (b), and (c) on the corresponding lines of Form 8582-CR and then complete line 2d.

Worksheet 2 for Lines 2a, 2b, and 2c (Keep for your records.)

Name of Activity	From Form	Activities acquired before 10-23-86	Activities acquired after 10-22-86	Prior Year Unallowed Credit	Total Credits
		(a) Credit line 2a	(b) Credit line 2b	(c) Credit line 2c	(d) Add cols. (a) and (c) or cols. (b) and (c)
Totals. Enter on lines 2a, 2b, and 2c of Form 8582-CR ▶					

Line 3.—Use Worksheet 3 if you have low-income housing credits for property placed in service after 1989. If you held an indirect interest in the property through a partnership, S corporation, or other pass-through entity, use Worksheet 3 only if you also acquired your interest in the pass-through entity after 1989. Use Worksheet 2 if you do not meet both requirements.

Worksheet 3 for Line 3 (Keep for your records.)

Name of Activity	From Form	Activities acquired after 1989
		(a) Credit line 3
Total. Enter on line 3 of Form 8582-CR . . . . . ▶		

Lines 4a, 4b, and 4c.—Use Worksheet 4 to figure the amounts to enter on lines 4a, 4b, and 4c. Line 4a is used for all other passive activities acquired before 10-23-86, line 4b is used for those activities acquired after 10-22-86, and line 4c is used for prior year unallowed credits from those activities.

After you complete the worksheet below, enter the totals of columns (a), (b), and (c) on the corresponding lines of Form 8582-CR and then complete line 4d of Form 8582-CR.

Worksheet 4 for Lines 4a, 4b, and 4c (Keep for your records.)

Name of Activity	From Form	Activities acquired before 10-23-86	Activities acquired after 10-22-86	Prior Year Unallowed Credit	Total Credits
		(a) Credit line 4a	(b) Credit line 4b	(c) Credit line 4c	(d) Add cols. (a) and (c) or cols. (b) and (c)
Totals. Enter on lines 4a, 4b, and 4c of Form 8582-CR ▶					

Part III

Line 21.—Married persons filing separate returns who lived apart at all times during the year should enter $125,000 on line 21 instead of $250,000. Married persons filing separate returns who lived together at any time during the year are not eligible to complete Part III.

You can skip lines 21 through 26 if you completed Part II of this form and your modified adjusted gross income on line 10 in Part II was $100,000 or less ($50,000 or less if married filing separately and you lived apart from your spouse for the entire year). If this was the case, subtract line 16 from line 15 and enter that amount on line 27.

Line 24.—Do not enter more than $12,500 on line 24 if you are married filing a separate return and you and your spouse lived apart at all times during the year. Married persons filing separate returns who lived together at any time during the year are not eligible to complete Part III.

Line 27.—Figure the tax attributable to the amount on line 26 as follows:

Note: *When using taxable income in the following computation, it is not necessary to recompute items that are based on a percentage of adjusted gross income.*

A. Taxable income . . . . _____
B. Enter amount from line 15 of Form 8582 . . . _____
C. Add lines A and B . . . _____
D. Tax on line C. Use tax table or tax rate schedules, whichever applies . . _____
E. Enter the amount from line C above . . . . . _____
F. Enter amount from line 26 of Form 8582-CR . . _____
G. Subtract line F from line E _____
H. Tax on line G. Use tax table or tax rate schedules, whichever applies . . _____
I. Subtract line H from line D and enter the result on line 27 of Form 8582-CR . . . . . _____

Part IV

Note: *Married persons filing separate returns who lived together at any time during the year are not eligible to complete Part IV.*

Line 35.—Figure the tax attributable to the remaining special allowance as follows:

Note: *When using taxable income in the following computation, it is not necessary to recompute items that are based on a percentage of adjusted gross income.*

A. Taxable income . . . . _____
B. Enter amount from line 15 of Form 8582, if any . . . _____
C. Add lines A and B . . . _____
D. Tax on line C. Use tax table or tax rate schedules, whichever applies . . _____
E. Enter $25,000 ($12,500 if married filing separate return and you and your spouse lived apart at all times during the year) . _____
F. Enter amount from line 9 of Form 8582, if any . _____
G. Subtract line F from line E . _____
H. Subtract line G from line C . _____
I. Tax on line H. Use tax table or tax rate schedules, whichever applies . . _____
J. Subtract line I from line D . . . _____
K. Add lines 16 and 30 of Form 8582-CR and enter the result . . . . . _____
L. Subtract line K from line J. Tax attributable to the remaining special allowance. Enter the result on line 35 of Form 8582-CR . . . . . _____

Part V

Computation of Passive Activity Credit Allowed

Line 39.—Figure the tax attributable to net income from interests acquired before October 23, 1986. Before making an entry on line A below, you may have to adjust the amount you get when you combine lines 1c and 2c of Form 8582. If you had significant participation passive activities or income subject to any of the other recharacterization of passive income rules and you made an adjustment to line 12 of Form 8582 for those activities, make the same adjustment here. If you had an overall loss from a pre-enactment activity you disposed of, recompute the loss without the prior year unallowed losses from that activity. If the result is net income, combine the net income with the total of lines 1c and 2c. If the total of lines 1c and 2c was net income and the overall loss figured without the prior year unallowed loss is a net loss, reduce the total of lines 1c and 2c by that net loss, but not below zero.

Note: *When using taxable income in the following computation, it is not necessary to recompute items that are based on a percentage of adjusted gross income.*

A. Add lines 1c and 2c from Form 8582, and enter the result. If the result is a loss or -0- after making any adjustments mentioned above, skip the rest of this computation and enter -0- on line 39 of Form 8582-CR . . . . . _____
B. Taxable income . . . _____
C. Tax on line B. Use tax table or tax rate schedules, whichever applies . . _____

D. Taxable income from line B _____

E. Enter net income from line A _____

F. Subtract line E from line D _____

G. Tax on line F. Use tax table or tax rate schedules, whichever applies . . _____

H. Subtract line G from line C. Enter this amount on line 39 of Form 8582-CR. This is the tax attributable to passive income from activities acquired before 10-23-86 . . . . . _____

Line 41a.—If you did not complete Form 8582, Passive Activity Loss Limitations, or if you did complete Form 8582 and lines 9 and 11 of that form were the same amount, skip the following computation and enter the smaller of line 1c or line 15 of Form 8582-CR on line 41a.

A. Enter line 12 of Form 8582-CR . . _____

B. Enter line 11 of Form 8582 . . . _____

C. Subtract line B from line A. If -0-, skip the rest of this computation and enter -0- on line 41a . . . . . _____

D. Divide line 15 of Form 8582-CR by line 14 of Form 8582-CR and enter the ratio . . . . . _____

E. Multiply line C by line D . . . . _____

F. Enter the smaller of line 1a of Form 8582-CR or line E on this line and on line 41a of Form 8582-CR . . . _____

Line 41b.—If you did not complete Form 8582, or if you did complete Form 8582 and lines 9 and 11 of that form were the same amount, skip the following computation and enter the smaller of line 2a or line 29 of Form 8582-CR on line 41b.

A. Enter line 24 of Form 8582-CR . . _____

B. Enter line 11 of Form 8582 . . . _____

C. Subtract line B from line A. If -0-, skip the rest of this computation and enter -0- on line 41b . . . . . _____

D. Divide line 27 of Form 8582-CR by line 26 of Form 8582-CR and enter the ratio . . . . . _____

E. Multiply line C by line D . . . . _____

F. Enter the amount, if any, from line F of the line 41a computation . . . _____

G. Subtract line F from line E . . . _____

H. Enter the smaller of line 2a of Form 8582-CR or line G here and on line 41b of Form 8582-CR . . . . _____

Line 47.—If you have only one type of credit, the amount on line 47 is the credit allowed for the year. This amount should be entered on the form that it is normally reported on. Your unallowed credit would be line 5 minus line 47.

Use the worksheets on this page and page 15 to figure how much of the credit on line 47 is allowed for each activity. You must keep a record of this unallowed amount and the activity to which it belongs to take the credit if it becomes allowable in a future year.

Instructions for Worksheet 5

Complete Worksheet 5 if you have an amount on line 1d of Form 8582-CR and you have credits from more than one activity.

Column (a).—Enter the credits from Worksheet 1, column (d), in column (a) of this worksheet.

Column (b).—Divide each of the credits shown in column (a) by the total of the credits in column (a) and enter the ratio for each of the activities in column (b). The total of all ratios should equal 1.00.

Column (c).—Multiply line 16 of Form 8582-CR by the ratios in column (b) and enter the result in column (c). If the total of this column is the same as the total of column (a), all of the credits for the activities in column (a) of this worksheet are allowed. Report them on the forms you normally report them on and compiete Worksheet 6 if you have credits shown in Worksheet 2. Also complete Worksheet 7 or 8 if you have credits shown in Worksheet 3 or 4. If the total of column (a) is more than the total of column (c), complete column (d).

Column (d).—Subtract column (c) from column (a) and enter the result in this column. Also enter the name of the activities and the form the credit should be reported on in Worksheet 8 and enter the amount from column (d) of this worksheet in column (a) of Worksheet 8. Also complete Worksheet 6 or 7 if you have credits on line 2d or 3 of Form 8582-CR.

Worksheet 5 for Credits on Line 1a, 1b, or 1c (Keep for your records.)

Name of Activity	Form To Be Reported on	(a) Credits (See instructions.)	(b) Ratios (See instructions.)	(c) Special Allowance (See instructions.)	(d) Subtract column (c) from column (a)
Totals ▶			1.00		

Instructions for Worksheet 6

Complete Worksheet 6 if you have credits on line 2d of Form 8582-CR and you have credits from more than one activity.

Column (a).—Enter the credits from Worksheet 2, column (d), in column (a) of this worksheet.

Column (b).—Divide each of the individual credits shown in column (a) by the total of all of the credits in column (a) and enter the ratios for each of the activities in column (b). The total of all the ratios should equal 1.00.

Column (c).—Multiply line 30 of Form 8582-CR by the ratios in column (b) and enter the result in column (c). If the total of this column is the same as the total of column (a), all of the credits for the activities in column (a) of this worksheet are allowed. Report them on the forms you normally report them on and complete Worksheet 7 or 8 if you have credits shown in Worksheet 3 or 4 or amounts in column (d) of Worksheet 5. If the total of column (a) is more than the total of column (c), complete column (d).

Column (d).—Subtract column (c) from column (a) and enter the result in this column. Also enter the name of the activities and the form the credit should be reported on in Worksheet 8 and enter the amount from column (d) of this worksheet in column (a) of Worksheet 8.

Worksheet 6 for Credits on Line 2a, 2b, or 2c (Keep for your records.)

Name of Activity	Form To Be Reported on	(a) Credits (See instructions.)	(b) Ratios (See instructions.)	(c) Special Allowance (See instructions.)	(d) Subtract column (c) from column (a)
Totals ▶			1.00		

Instructions for Worksheet 7

Complete Worksheet 7 if you have credits on line 3 of Form 8582-CR and you have credits from more than one activity.

Column (a).—Enter the credits from Worksheet 3, column (a), in column (a) of this worksheet.

Column (b).—Divide each of the individual credits shown in column (a) by the total of all of the credits in column (a) and enter the ratios for each of the activities in column (b). The total of all the ratios should equal 1.00.

Column (c).—Multiply line 36 of Form 8582-CR by the ratios in column (b) and enter the result in column (c). If the total of this column is the same as the total of column (a), all of the credits for the activities in column (a) of this worksheet are allowed. Report them on the forms you normally report them on and complete Worksheet 8 if you have credits shown in Worksheet 4 or amounts in column (d) of Worksheet 5 or 6. If the total of column (a) is more than the total of column (c), complete column (d).

Column (d).—Subtract column (c) from column (a) and enter the result in this column. Also enter the name of the activities and the form the credit should be reported on in Worksheet 8 and enter the amount from column (d) of this worksheet in column (a) of Worksheet 8.

Worksheet 7 for Credit on Line 3 (Keep for your records.)

Name of Activity	Form To Be Reported on	(a) Credits (See instructions.)	(b) Ratios (See instructions.)	(c) Special Allowance (See instructions.)	(d) Subtract column (c) from column (a)
Totals ▶			1.00		

Instructions for Worksheet 8

Complete Worksheet 8 if you have amounts in column (d) of Worksheets 4, 5, 6, or 7.

Column (a).—Enter the amounts, if any, from column (d) of Worksheets 4, 5, 6, and 7.

Column (b).—Divide each of the credits in column (a) by the total of all of the credits in column (a). The total of all the ratios should equal 1.00.

Column (c).—Complete the following computation:

A. Enter line 5 of Form 8582-CR . . . . . _____

B. Enter line 47 of Form 8582-CR . . . . . _____

C. Subtract line B from line A . . . . . _____

Multiply line C by the ratios in column (b) and enter the results in column (c). Complete Worksheet 9 to determine the credits allowed for 1990.

Worksheet 8 —Allocztion of Unallowed Credits (Keep for your records.)

Name of Activity	Form To Be Reported on	(a) Credits (See instructions.)	(b) Ratios (See instructions.)	(c) Unallowed Credits (See instructions.)
Totals ▶			1.00	

Instructions for Worksheet 9

Column (a).—Enter all of the activities shown in Worksheet 8. The credits entered in column (a) of this worksheet should be the credits shown in column (d) of Worksheets 1, 2, and 4 and column (a) of Worksheet 3 for the activities listed in Worksheet 8.

Column (b).—Enter the amounts from column (c) of Worksheet 8 in this column. These are your **unallowed credits for 1990.**

Column (c).—Subtract column (b) from column (a). These are the **credits allowed for 1990.** The amounts in this column should be reported on the forms you normally use to report the credits.

Worksheet 9—Allowed Credits (Keep for your records.)

Name of Activity	Form To Be Reported on	(a) Credits (See instructions.)	(b) Unallowed Credits (See instructions.)	(c) Allowed Credits (See instructions.)
Totals ▶				

Reporting Allowed Credits on Your Tax Return

Form 3800.—Enter the total passive activity general business credit allowed in column (c) of Worksheet 9 on line 10 of Form 3800.

Form 6765.—Enter any allowed orphan drug credit on line 4 and identify it as **"PAC"** on Form 6765. Also complete Part II of that form.

Credit for Fuel Produced From a Nonconventional Source.—If you have an allowed passive activity credit for fuel produced from a nonconventional source, see section 29 for limitations and adjustments to the credit. Attach a separate schedule showing how you figured the credit to your tax return. If you have both passive and nonpassive credits, combine the credits before applying the limitations and adjustments. Report the credit on the line specified by the instructions for the tax return you file.

Publicly Traded Partnerships (PTPs)

A publicly traded partnership (PTP) is a partnership whose interests are traded on an established securities market or are readily traded on a secondary market (or the substantial equivalent).

An established securities market includes any national securities exchange and any local exchange registered under the Securities Exchange Act of 1934 or exempted from registration because of the limited volume of transactions. It also includes any over-the-counter market.

A secondary market is generally indicated by the existence of a person standing ready to make a market in the interest. An interest is treated as readily tradable if the interest is regularly quoted by persons, such as brokers or dealers, who are making a market in the interest.

The substantial equivalent of a secondary market exists where there is no identifiable market maker, but the holder of an interest has a readily available, regular, and ongoing opportunity to sell or exchange his or her interest through a public means of obtaining or providing information of offers to buy, sell, or exchange interests. Similarly, the substantial equivalent of a secondary market exists where the prospective buyers and sellers have the opportunity to buy, sell, or exchange interests in a time frame and with the regularity and continuity that the existence of a market maker would provide.

Credits From PTPs

A credit from a passive activity held through a PTP is allowed to the extent of the tax attributable to net passive income from that partnership. In addition, rehabilitation investment credits and low-income housing credits from rental real estate activities held through PTPs are allowed to the extent of any special allowance that remains after taking into account losses and credits from rental real estate activities not owned through PTPs. See **Special Allowance for Credits From Rental Real Estate Activities** on page 3.

The transitional phase-in rule may apply to passive activity credits from PTPs you acquired before October 23, 1986. See **Phase-In Rule** on page 11. Do not enter credits from PTPs on the worksheets or on Form 8582-CR. Instead, use the following steps to compute the allowed and unallowed credits from passive activities held through PTPs.

Computation of Passive Activity Credits Allowed From PTPs

Complete Steps 1 and 2 only if you have net passive income from a PTP with passive activity credits (including prior year unallowed credits).

Step 1.—Figure the tax attributable to net passive income from each PTP with passive activity credits (including prior year unallowed credits) by following the steps shown in the worksheet in the line 6 instructions. Complete a separate tax computation for each PTP with net passive income.

Step 2.—Passive activity credits from each PTP are allowed to the extent of the tax attributable to net passive income from that same PTP. Credits in excess of the tax attributable to net passive income may be allowed under one or more steps below.

Complete Steps 3 through 5 only if you have rehabilitation investment credits from rental real estate activities from a PTP, low-income housing credits for property placed in service before 1990 from a PTP, or low-income housing credits from a PTP in which you acquired your interest before 1990 (regardless of the date placed in service) (including prior year unallowed credits).

Step 3.—Reduce rehabilitation investment credits from rental real estate activities from each PTP, low-income housing credits for property placed in service before 1990 from each PTP, and any low-income housing credits from each PTP in which you acquired your interest before 1990 (regardless of the date placed in service) (including prior year unallowed credits) to the extent of the tax attributable to net passive income from that PTP, which was figured in Step 1.

Step 4.—Before beginning this step, you must complete Form 8582-CR if you have any passive credits that are not from PTPs. Subtract the amount, if any, on line 37 of Form 8582-CR, from the amount on line 27 of Form 8582-CR, to figure the tax attributable to the special allowance available for the credits in Step 3.

If your only passive credits are from PTPs, complete lines 21 through 27 of Form 8582-CR as a worksheet. The amount on line 27 is the tax attributable to the special allowance available for the credits in Step 3.

Step 5.—Rehabilitation investment credits from rental real estate activities of each PTP, low-income housing credits for property placed in service before 1990 by each PTP, and any low-income housing credits from a PTP in which you acquired your interest before 1990 (regardless of the date placed in service) allowed under the special allowance are the smaller of the total credits from Step 3 or the amount figured in Step 4. If Step 4 is smaller than Step 3, allocate the amount in Step 4 pro rata to the credits from each PTP in Step 3.

Complete Steps 6 through 8 only if you have low-income housing credits for property placed in service after 1989 from a PTP in which you also acquired your interest after 1989.

Step 6.—Reduce low-income housing credits for property placed in service after 1989 from a PTP in which you also acquired your interest after 1989 to the extent of the tax attributable to net passive income from that PTP, which was figured in Step 1.

Step 7.—Before beginning this step, you must complete Form 8582-CR if you have any passive credits that are not from PTPs. Subtract the sum of the credits allowed in Step 5 above and line 36 of Form 8582-CR from the amount on line 35 of Form 8582-CR to figure the tax attributable to the special allowance available for the credits in Step 6.

If your only passive credits are from PTPs, complete the steps shown in the worksheet in the line 35 instructions. Subtract the credits allowed in Step 5 above from the tax figured on line L of that worksheet. The result is the tax attributable to the special allowance available for the credits in Step 6.

Step 8.—Low-income housing credits allowed under the special allowance for property placed in service after 1989 from a PTP in which you also acquired your interest after 1989, are the smaller of the total credits from Step 6 or the amount figured in Step 7. If Step 7 is smaller than Step 6, allocate the amount in Step 7 pro rata to the credits from each PTP in Step 6.

Complete Steps 9 through 16 only if you have current year passive activity credits from an activity in which both the PTP and you have a pre-enactment interest.

Step 9.—Add the current year passive activity credits from activities in which both the PTP and you have a pre-enactment interest. Do not include prior year unallowed credits.

Step 10.—Add the credits allowed in Steps 2 and 5 for pre-enactment interests only.

Step 11.—Subtract Step 10 from Step 9.

Step 12.—Add pre-enactment and post-enactment passive activity credits (including prior year unallowed credits) from all PTPs.

Step 13.—Add the credits allowed in Steps 2, 5, and 8.

Step 14.—Subtract Step 13 from Step 12.

Step 15.—Enter the smaller of Step 11 or Step 13.

Step 16.—Multiply Step 15 by 10%.

Step 17.—Add Steps 2, 5, 8, and 16. These are the total credits allowed from passive activities of PTPs.

Step 18.—Figure the allowed and unallowed credits from each PTP. Report the allowed credits on the form normally used. Keep a record of the unallowed credits to be carried forward to 1991.